

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:10CR09

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| UNITED STATES OF AMERICA |) | |
| |) | |
| V. |) | <u>ORDER</u> |
| |) | |
| JAMES ERNEST LESPIER |) | |
| |) | |
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Pending before the Court is Defendant's Motion to Produce [# 46]. After reviewing Defendant's motion, the Court set a hearing for Monday, May 23, 2011, to hear argument regarding Defendant's attempt to obtain the medical records of the alleged victim in this case. After having had the benefit of oral argument, the Court **DENIES without prejudice** Defendant's Motion to Produce [# 46]. Defendant failed to comply with the requirements of Rule 17 of the Federal Rules of Criminal Procedure prior to serving a subpoena on Pardee Hospital. Upon a showing by the Defendant as to who is the executor or administrator of the estate of the alleged victim, the Court will consider whether the issuance of an Order pursuant to Rule 17(c)(3) is appropriate in this case. The Court further **DIRECTS** Defendant that any motion filed with the Court must comply with the requirements of the Local Rules of Criminal Procedure, which require the filing of a written motion stating with particularity the grounds of the motion as well as a separate brief. LCrR 47.1.

Signed: May 24, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

